

in §26.33 shall apply to contacts with the Secretary or designee.

(k) *Relief.* The Secretary or designee may affirm, modify, reduce, reverse, compromise, remand, or settle any relief granted in the initial decision. The Secretary or designee shall consider, and include in any final determination, such factors as may be set forth in applicable statutes or regulations.

(1) *Decision—(1) Generally.* Where a Secretarial appeal has been timely made, the Secretary, or designee, shall issue a written determination within 30 days after receipt of the brief in opposition, if any, and shall serve it upon the parties to the hearing. The Secretary, or designee, may extend the time in which a written determination must be issued by an additional 60 days for good cause shown in a written justification issued to the parties. The written decision of the Secretary shall be the final agency action. If the Secretary, or designee, does not act upon the appeal of an initial decision within 90 days of service of the appeal, then the initial determination shall be the final agency action.

(2) *Exception for cases brought under the Program Fraud Civil Remedies Act.* Where a Secretarial appeal has been timely made in a case brought under the Program Fraud Civil Remedies Act, the Secretary, or designee, shall issue a written determination within 30 days after receipt of appeal and shall serve it upon the parties to the hearing. The written decision of the Secretary shall be the final agency action. If the Secretary, or designee, does not act upon the appeal of an initial decision within 30 days of service of the appeal, the initial decision shall become final and the Respondent will be served with a statement describing the right to seek judicial review, if any.

§26.53 Exhaustion of administrative remedies.

In order to fulfill the requirement of exhausting administrative remedies, a party must seek Secretarial review under §26.52 prior to seeking judicial review of any initial decision issued under subpart B of this part.

§26.54 Judicial review.

Judicial review shall be available in accordance with applicable statutory procedures and the procedures of the appropriate federal court.

§26.55 Collection of civil penalties and assessments.

Collection of civil penalties and assessments shall be in accordance with applicable statutory provisions.

§26.56 Right to administrative offset.

The amount of any penalty or assessment that has become final under §26.50 or §26.52, or for which a judgment has been entered after action under §26.54 or §26.55, or agreed upon in a compromise or settlement among the parties, may be collected by administrative offset under 31 U.S.C. 3716 or other applicable law. In Program Fraud Civil Remedies Act matters, an administrative offset may not be collected against a refund of an overpayment of federal taxes then or later owing by the United States to the Respondent.

PART 27—NONJUDICIAL FORECLOSURE OF MULTIFAMILY AND SINGLE FAMILY MORTGAGES

Subpart A—Nonjudicial Foreclosure of Multifamily Mortgages

- Sec.
- 27.1 Purpose.
- 27.2 Scope and applicability.
- 27.3 Definitions.
- 27.5 Prerequisites to foreclosure.
- 27.10 Designation of a foreclosure commissioner.
- 27.15 Notice of default and foreclosure sale.
- 27.20 Conditions of foreclosure sale.
- 27.25 Termination or adjournment of foreclosure sale.
- 27.30 Conduct of the sale.
- 27.35 Foreclosure costs.
- 27.40 Disposition of sale proceeds.
- 27.45 Transfer of title and possession.
- 27.50 Management and disposition by the Secretary.

Subpart B—Nonjudicial Foreclosure of Single Family Mortgages

- 27.100 Purpose, scope and applicability.
- 27.101 Definitions.
- 27.102 Designation of foreclosure commissioner and substitute commissioner.
- 27.103 Notice of default and foreclosure sale.